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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,703	10/22/2003	Hiroko Mogi	244211US6	4653
22850	7590	02/17/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			02/17/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,703	MOGI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	NHAN T. TRAN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 December 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 and 10-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 and 10-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

**ETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4, 10-19 have been considered but are moot in view of the new ground of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 10-12, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Umetsu Atshushi (JP 57-171324).

Regarding claim 1, Atsushi discloses a video camera (Fig. 1 and abstract), comprising:

a camera body having a top, bottom, front, back and two sides to image an object (see Fig. 1);

a mounting member (23) removably installable on the camera body (Fig. 2 and abstract, and it is noted that this mounting member 23 can be removed by unscrewing the knob);

a viewfinder (electronic viewfinder 5 shown in Figs. 1 & 2 and abstract);

a first arm member (combined U-Shape arm 25 of support 21 and an arm portion between 22 and 23 shown in Figs. 2-4) attached to said mounting member at a first end (the end at element 23) and attached to said viewfinder at a second end (the end at the axis  $\ell$  of the U-shape arm shown in Fig. 2) to be adjacent to one of said sides of said camera body (Figs. 1 and 2), said first arm member extending from said mounting member towards said back of said camera body, being pivotably rotatable about said mounting member at said first end, being pivotably rotatable about said viewfinder at said second end, and pivoting in a plane substantially parallel to said one side of said camera body (see Figs. 1 & 2, abstract, wherein the first arm member as mentioned above is rotatable about the axis at the rotary 23 at the first end and also rotatable about axis  $\ell$  at the second end, the first arm is extending toward the back of the camera body when it swings to the back of the camera by the rotation of the rotary 23, and the rotation plane is clearly parallel to the side of the camera body in view of Figs. 1 & 2 and described in the abstract);

said viewfinder being removably installed on the first arm member to display an image picked up by the camera body, the viewfinder including a display unit to display an image thereon (see Figs. 1-4 and abstract, wherein the electronic viewfinder 5 is removably installed on the first arm by the mechanism shown in Figs. 3 & 4, and this electronic viewfinder inherently has a display to display an image thereon).

Regarding claim 2, this claim is also met by the analysis of claim 1 in which the display unit is a part of the removable electronic viewfinder 5, and thus is also removably installed as a whole to the first arm member.

Regarding claim 3, Atsushi also discloses that the camera body is provided with an accessory-part fixture (Figs. 2-4) for fixing an accessory part to the video camera; and the display unit is removably installable to the accessory-part fixture (see Figs. 2-4 and note claim 2 for removable display unit).

Regarding claim 4, as shown in Figs. 2-4 of Atsushi, at least either the accessory-part fixture or display unit has an auxiliary screw provided thereon.

Regarding claim 10, also disclosed by Atsushi is a fulcrum member (at element 23 in Fig. 2) connected to said mounting member; said first arm member being pivotable about said fulcrum member at said first end (see abstract and Figs. 1-4, wherein the first arm member as defined in claim 1 is rotatable about the axis of rotary 23).

Regarding claim 11, Atsushi further discloses a bracket (22) connected to said viewfinder (indirectly connected to electronic viewfinder 5) and longitudinally slidable along the first arm (see abstract and Fig. 2).

Regarding claim 12, it is also seen in Atsushi that the first arm member (the portion between 22 and 23) has a bar shape.

Regarding claim 17, Atsushi also shows in Figs. 2-4 that a fulcrum member (26/27) connected to said viewfinder; said viewfinder being pivotable about said fulcrum member at the second end (see abstract).

Regarding claim 18, the subject matter of this claim is also met by the analyses of claims 10 and 17, wherein the first axis at rotary 23 of the first end is parallel with the axis  $\ell$  of the second end.

Regarding claim 19, this claim is also met by the analysis of claim 18 in which the first arm as defined in claim 1 is pivotable about a long a first axis at element 23, and is also pivotable about the viewfinder (5) along a second axis  $\ell$  which is parallel to the first axis as shown in Figs. 1-4.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umetsu Atshushi (JP 57-171324) in view of Yamada Kazuo (JP 10-191118 cited in IDS filed 12/17/2003).

Regarding claim 13, Atsushi does not teach a second arm member having a first end pivotably mounted on said viewfinder and a second end adapted to be connected to a tripod.

However, it is well recognized by Kazuo that the extended viewfinder of a video camera is supported by a second arm member (19) that is connected to a tripod (10) so as to maintain the viewfinder at a constant height when the video camera is titled downward or upward on a tripod for minimizing head movement of the photographer/user (see Figs. 1 & 2, abstract and paragraph [0029]).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Atsushi and Kazuo to construct a second arm member having a first end pivotably mounted on said viewfinder and a second end adapted to be connected to a tripod so that the eyepiece of the viewfinder is maintained at a constant height when the video camera is titled downward or upward on a tripod to minimize unnecessary head movement of the photographer/user as suggested by Kazuo.

Regarding claim 14, it is also seen in Kazuo that the second arm member has a bar shape (e.g., a cylinder bar shape shown in Figs. 1 & 3).

Regarding claim 15, the combination of Atsushi and Kazuo also teaches that the second arm member is configured to have a telescopic operation (see Fig. 2 in Kazuo wherein the camera is set at the upward position as the telescopic operation).

Regarding claim 16, this claim is also met by the analysis of claim 13.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHAN T. TRAN whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NHAN T TRAN/  
Primary Examiner, Art Unit 2622